

*The Liquor Question
in Politics*

By GEORGE ILES

NEW YORK
THE SOCIETY FOR POLITICAL EDUCATION
330 PEARL STREET
1889

FIFTEEN CENTS.

The Society for Political Education.

(ORGANIZED 1880.)

OBJECTS.—The SOCIETY was organized by citizens who believe that the success of our government depends on the active political influence of educated intelligence, and that parties are means, not ends. The growing tendency of government to enlarge its sphere, and the demands constantly made to increase the power and responsibility of the STATE, make political education more than ever a supreme necessity for the just limitation and right guidance of governmental authority. Entirely non-partisan in its organization, the one aim of the Society is the awakening of an intelligent interest in government methods and purposes, that political morality may be promoted and the abuses of parties restrained.

Among its organizers are numbered Democrats, Republicans, and Independents, who differ among themselves as to which party is best fitted to conduct the government, but who are in the main agreed as to the following propositions :

The right of each citizen to his free voice and vote must be upheld, and every possible safeguard must be employed to assure independence of vote.

Office-holders must not control the suffrage.

The office should seek the man, and not the man the office.

Public service, in business positions, should depend solely on fitness and good behavior.

The crimes of bribery and corruption must be relentlessly punished.

Local issues should be independent of national parties.

Coins made unlimited legal tender must possess their face value as metal in the markets of the world.

Sound currency must have a metal basis, and all paper money must be convertible on demand.

Labor has a right to the highest wages it can earn, unhindered by public or private tyranny.

Trade has a right to the freest scope, unfettered by taxes, except for government expenses.

Corporations must be restricted from abuse of privilege.

Neither the public money nor the people's land must be used to subsidize private enterprise.

A public opinion, wholesome and active, unhampered by machine control, is the true safeguard of popular institutions.

All members of the Society are not, however, required to endorse the above.

METHODS.—The Society carries out its objects by submitting from time to time to its members lists of books which it regards as desirable reading on current political and economic questions ; by selecting courses of reading for its members ; by supplying the books so selected at the smallest possible advance beyond actual cost ; by furnishing and circulating at a low price sound economic and political literature in maintenance and illustration of the principles above announced as constituting the basis of its organization ; and by assisting in the formation of reading and corresponding circles and clubs for discussing social, political, and economic questions.

It is suggested that branch organizations be formed wherever it is possible (and especially in colleges) to carry out the intentions of the Society. Any person who will form a Club of ten persons, each of whom shall be an active member of this Society, will be entitled to a set of the tracts issued for the current year.

MEMBERSHIP.—Any person who will send one dollar to the Secretary becomes an *active member* and is entitled to receive all the tracts issued by the Society during any one year. In order to extend the usefulness of the Society, a *co-operative* membership has been established for such persons as wish to promote political and economic education. The annual fee of a co-operative member is \$5.00, which entitles the member to all tracts of the Society for the current year, and also to name five persons who will have all the privileges of active members.

Letters of inquiry should enclose return postage.

Money should be sent by draft, postal order, or registered letter to the Secretary.

R. R. BOWKER, Chairman.
E. M. SHEPARD, Treasurer.

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THE term liquor being for convenience' sake used to include not only distilled alcoholic stimulants, but also wine, ale, and beer, the liquor question fills two places in politics. First, in so far as the liquor business is organized or represented as a political interest to protect or promote itself. Second, in so far as this business is the subject of legislation for its special taxation, restriction, or suppression. As the extremely variable element of retail profit enters into estimates, it is impossible to say exactly how much the nation's annual outlay for liquor is. It is certainly not less than a thousand million dollars, and may be even a fifth more. The vast business which this outlay represents is highly organized : the "trust" system which has consolidated so many other branches of manufacture has been extended to whiskey ; agreements as to wages and prices have drawn together for concerted action the majority of brewers in the United States. There are throughout the Union numerous associations not only of distillers and brewers, but also of wine-producers, liquor-dealers, and saloon-keepers, supporting trade journals of large circulation, maintaining a literary bureau, and employing special counsel to watch State and national law-making in their behalf.

New York City as the nation's metropolis presents the developments of the liquor trade in their highest form. On December 31, 1888, there were 7809 places in the city licensed to sell liquor to be drank on the premises. In addition there were 971 stores licensed to sell liquor not to be drank on the premises. Assuming the city's population to be 1,500,000, there was one

license to every 171 inhabitants. The receipts for licenses during 1888 were \$1,430,420, an average of \$162. Within recent years in New York, as elsewhere in the United States, a form of enterprise common among European brewers has been adopted with the effect of consolidating an important branch of the liquor interest. This enterprise is the establishment of saloon-keepers in business by wealthy brewers, who fit up premises attractively and take chattel mortgages to secure their investment. This ensures the brewers an enlarged circle of custom without the ordinary expense of solicitation, and binds the political interest of thousands of saloon-keepers by the strong cord of debt. Mr. Robert Graham has ascertained that during the year ending October 1888, 4710 chattel mortgages on saloon fixtures were recorded, of a total value of \$4,959,578, the greater proportion of them being in favor of brewers and wholesale wine and liquor firms. A partial list of these mortgages, published by Mr. Graham, shows twenty brewing firms to have filed 1908 liens, aggregating \$1,702,136 in amount. How important a part saloons play as rallying centres of political activity has also been shown by the same writer in one of the Church Temperance Society's pamphlets. Out of 1002 primary and other political meetings which preceded the elections of November, 1884, 719 were held in saloons or next door to them. In most of the Assembly Districts it is difficult to find a small hall not connected with a saloon, for the profit arising from such connection forbids the competition of a hall free from saloon control. Conservative men familiar with the politics of New York City estimate the liquor vote at 40,000, or one-seventh of the whole, a vote quite sufficient to turn the scale in ordinary contests, especially as the liquor interest usually allies itself with one of the two great national parties, secure of its own ordinary and regular party following. That 40,000 is a moderate estimate of the liquor vote is evident when we remember that of the 7391 saloons in the city many are the headquarters of clubs, numer-

ous in membership, and that many more are practically clubs whose frequenters are on terms of friendship and good-will with the proprietors. Mr. Theodore Roosevelt in the *Century*, and Mr. Ernest H. Crosby in the *Forum*, have drawn attention to the enormous and growing political influence of liquor-dealers in New York City. Several of their number sit in the Legislature at Albany.

What is true of New York City is substantially true of the country at large. Liquor is an organization pervasive and thorough, formed to exert all the political power it can for its own good, and as such is one of the strongest elements in American politics, if indeed it be not the very strongest. The liquor trade has one important advantage over most others active in the political sphere—as a lucrative trade it has command of liberal subscriptions, and many of the men engaged in it have leisure wherein to advance political aims. That the liquor vote has already decided a presidential election is claimed by Mr. Gallus Thomann, head of the Literary Bureau of the United States Brewers' Association. He asserts that Mr. Blaine's defeat in 1884 is chargeable to his ambiguous attitude toward Prohibition in Maine.

So much then for the phase of organization for political influence which this immense business interest presents. We now pass to some consideration of the place it occupies as the subject in legislation of special taxation, restriction, or suppression. And here it may be asked, Are not the men engaged in the liquor trade prosecuting a legitimate business? Do they not cater to an almost universal demand for what its users deem a luxury or a necessity? Do they employ force or fraud to oblige any one to buy from them? Why then should laws be enacted to restrict or suppress this business rather than any other? What though the liquor trades be organized for the defence or furtherance of their interests, is not the like the case with scores of other trades, and pre-eminently so with workingmen? And if organ-

izations of the liquor trades do employ their power in political channels, is not this course thrust upon them by the incessant political activity of their declared enemies? And quite outside the ranks of the liquor party there are advocates of personal liberty who ask, While men are free to use liquor or to leave it alone, why should there be any interference by a State paternalism? Holding freedom with incidental drunkenness to be preferable to sobriety due to restraint, they declare suffering to be the best moral educator, and maintain that intemperance is a vice inevitable in the present comparatively low development of human character and imperfect adaptation of the individual to social conditions. It is averred by such advocates of freedom that excessive indulgence in alcoholic stimulants carries with it so weighty a social condemnation, inflicts so many grievous natural penalties, that where all the better motives for influencing conduct fail, it is folly to resort to the worse. They further declare that restrictive or suppressive liquor laws proceed on the tacit assumption that a large element in the community is unfit for liberty, and should therefore remain in the moral guardianship of those who deem themselves its superiors or sponsors. They regard it as an illegitimate stretch of law when in addition to overt acts of offence, acts which may or may not lead to offence are made the subject of punitive legislation. If the community has a vested interest with respect to the individual's use of alcohol, assuming such use to be at times harmful, where, they ask, will the conservation of similar vested interests in conduct end? And how, practically, shall this conservation be given effect? A large proportion of the American people, perhaps a majority, believe that religious teaching lies at the base of morality; shall this view be enforced after the manner of the inquisitors of old? If not, then on the same ground, is it not better frankly to admit that certain kinds of wrong-doing are best left alone by the policeman and the courts—best limit themselves when so left alone?

There are other critics of anti-liquor legislation besides the philosophic defenders of freedom and the sentinels guarding the vested interests of liquor—a third class, mainly philanthropic in motive and having personal knowledge of the comparatively weak and unfortunate elements of our population. These people regard legislation as one of the least effective remedies for the evils caused by intemperance. They deem the liquor habit to be not only a prolific cause of mischief, but at the same time the symptom of moral and social maladies which require cure if the craving for drink is to be banished. They see that the saloon is attractive because the home is often repellent—narrow, noisy, and mean; its air bad, its meals wretched, its surroundings unwholesome. To make homes what they should be, even on a simply material plane, not only involves many educational reforms but a vastly increased sense of responsibility among the strong and fortunate toward those whose wants are so much like their own, but whose ability or possessions fall so far short of theirs. And going from the home to the workshop these critics there find a new cause for the craving for stimulants—the tendency to an increased monotony of toil among factory and other operatives. When a limited chain of nerves, muscles, and brain-cells are overworked and all the rest of the system is idle, it is held that the disturbed physiological balance sharpens the appetite for just such an excitant as alcohol. Hence these critics advocate cheap public amusements of a wholesome kind, orchestral concerts and the like; they lament the fact that in most cities of the Union working people on the one day they are free from toil cannot gain admission to art collections, public libraries, and other sources of refined pleasure. They are active in aid of all enterprises which compete with the saloon by providing meals and club attractions at small charges—enterprises such as the English coffee-houses, which have proved profitable whilst quite free from religious or philanthropic patronage. Such are the views of reformers who

hold to the potency of circumstances in shaping conduct, who believe that to improve conditions is to improve character. Philanthropists there are who form a small school of what may be called individualistic reform. They are of opinion that in the anti-liquor agitation rather too much has been made of the responsibility of the saloon-keeper and too little of that of his patron, without whose free and unconstrained custom the saloon would disappear. They deem the best method of dealing with a victim of the alcohol habit to be by appealing to his self-respect and self-control. That appeal a failure, they expect little from legal enactments, the agitation for which they believe absorbs much activity which could be more usefully applied.

All this and much more to the same effect has been said again and again, yet the great body of the American people are convinced that the liquor traffic *is* a proper subject for legislative restriction or suppression. The popular idea seems to be that the State is the people organized to guard and advance its best interests, and among the immense mass of laws passed with this intent, no class is larger or more interesting than liquor laws. The people who of all others highest uphold the banner of liberty justify their course in this matter chiefly on three grounds : That the rule of freedom which obliges an individual to refrain from encroaching on the like freedom of others is constantly broken by victims of the liquor habit, and hence the liquor trade is properly amenable to restraint. Tacitly held, or explicitly stated, the popular conviction is that happiness is the main thing, for which freedom is but a condition ; however variously happiness may be defined, it is maintained to be very generally imperilled and curtailed by intemperance, which makes the catering thereto a trade to be restricted or abolished. Poisons, although an essential portion of materia medica, are strictly regulated as to sale. Regulation as definite, if less stringent, is held to be legitimate with regard to the sale of liquor. Second, it is declared that the commercial interest in liquor is ag-

gressive, constantly seeking to extend its bounds, regardless of resulting mischief. Third, since public revenue must be raised, it is deemed just to levy taxes which incidentally abate the use of a costly and injurious article. Of the organizations formed to give these convictions effect, the most worthy of note are those of the Prohibitionists and the advocates of High License. Let their respective positions be stated :

The Prohibition party contend that it is not moderate drinking but the excess to which it leads that sustains the liquor trade ; that this excessive indulgence is the direct or indirect cause of at least half the crime, pauperism, idiocy, and lunacy in the nation ; that it is everywhere and always leading to invasion of the freedom and other rights of innocent persons, to an extent so grievous as to warrant legal repression. They remark that whereas with necessities the demand creates the supply, the reverse is true of luxuries, the supply creates the demand. A load of fruit taken through a city street is quickly bought by people whose demand is aroused by seeing the fruit. So, it is claimed, the mere existence of saloons provokes patronage of them, even when the liquor habit is weak, especially where the American custom of treating prevails. Again, it is urged, alcoholic indulgence has peculiar power to enfeeble a will already weak. A victim first drawn by a thread of appetite soon finds himself in the coil of a rope binding him to degraded slavery. Prohibitionists declare that saloon-keepers are not content with a passive offering of their wares, but have elaborated a system of lures and enticements with intent to encourage drinking habits. They point to bars displaying voluptuous pictures, providing the principal attractions of clubs, bowling-alleys, billiard-rooms, free music, and newspapers. They point to free-lunch counters laden with thirst-creating viands, and assert that a considerable proportion of restaurants are in themselves unprofitable and are conducted simply as adjuncts to bars. They aver that very generally liquors are chemically treated, not only

for purposes of counterfeit, but to conceal newness or to fasten the liquor appetite upon liquor users. They declare that a noxious business like this, so energetically, seductively, and unscrupulously managed, not seldom allied with the brothel and the gambling-house, is a source of public demoralization which it would be worse than weakness to tolerate. They reply to the arguments of the advocates of liberty, that their plea is discredited by being echoed by men who want freedom to do evil that they may reap pecuniary gain; that as freedom is limited by obligations which drinkers ignore, they are justified in opposing any man's right to become a drunkard or to make drunkards. When it is objected that prohibitory laws are enforced with great difficulty or altogether fail of enforcement, it is maintained that even in the degree in which enforcement obtains, these laws are highly beneficial; that laws are not passed for men morally developed to the point of obeying them; that it is the fear of penalties threatened rather than punishment endured that deters from transgression. To the question, "Does prohibition prohibit?" they retort, "Does regulation regulate?" It is claimed that law is a powerful educator, and that placing liquor under a legal ban in many sections of the Union has had much to do with the advance of teetotal sentiment within recent years throughout the country; that where public opinion is in favor of prohibitory law, although toppers may continue their indulgences, not only are the young saved from the liquor habit, but many who are already slightly addicted to the use of intoxicants may also be reclaimed.

Believing liquor and the traffic in it to be wholly evil, the Prohibitionists are strenuously opposed to granting any form of license, declaring it to be folly to license men to make drunkards, hire officers to arrest these drunkards, and erect prisons to instruct them not to drink. They would sternly refuse to legitimize by any governmental recognition a trade which they consider wrong absolutely. Their aim is suppression and out-

lawry, rather than prohibition, of manufacture as well as sale, and throughout the whole extent of the Union. For with less than national extirpation they see that prohibition within a State is defeated by liberty of importation from non-prohibitory States and foreign countries, as this liberty carries with it the right of sale. The stand taken by the Prohibitionists with respect to vested interests impaired or destroyed by suppressive legislation is worthy of note. In terminating licenses for the manufacture or sale of liquor they would entertain no claim for damages, holding that an annual license has no warranty of renewal. Moreover, that as the liquor traffic is a crime, and crimes forfeit rights, no compensation for loss should ever follow suppression.

There have been many decisions of the Supreme Courts of the various States bearing on prohibition ; more important, however, than any of these was the decision rendered by the Supreme Court of the United States, on December 5, 1887, in the cases of *Peter Mugler vs. the State of Kansas* (which State had adopted prohibition in its Constitution) and the *State of Kansas vs. Ziebold & Hagelin*. The essence of the decision is here given :

“ Keeping in view the principles governing the relations of the judicial and legislative departments of Government with each other, it is difficult to perceive any ground for the judiciary to declare that the prohibition by Kansas of the manufacture or sale within her limits of intoxicating liquors for general use there as a beverage, is not fairly adapted to the end of protecting the community against the evils which confessedly result from the excessive use of ardent spirits. There is here no justification for holding that the State, under the guise merely of police regulations, is aiming to deprive the citizen of his constitutional rights; for we cannot shut out of view the fact, within the knowledge of all, that the public health, the public morals, and the public safety may be endangered by the general use of intoxicating drinks; nor the fact, established by statistics accessible to every one, that the disorder, pauperism, and crime prevalent in the country are in some degree at least traceable to this evil.

“ Personal liberty, or the right to manufacture beer or other intoxicating drinks for one's own use, must give way where it conflicts with the

rights of others. In other words, 'The Government may require each citizen to so conduct himself and so use his own property as not unnecessarily to injure another.'

"The Legislature, and not the individual, is the proper judge to determine whether society will be injuriously affected by the manufacture of particular articles of drink for the maker's own use.

"The general use of intoxicating drinks is an evil to which the idleness, disorder, pauperism, and crime existing in this country are in some degree, at least, traceable.

"To prevent the evils to society caused by intemperance it is a proper exercise of the police power of a State for a Legislature to even prohibit the manufacture of intoxicating drinks for the maker's own use.

"A State cannot be handicapped in its efforts to protect society from a baneful business by any promises of immunity which the Legislature may have made, though based on a valuable consideration. And this is true, notwithstanding the Federal Constitution expressly forbids a State from passing any 'law impairing the obligation of contracts.'

"A lawful occupation of yesterday may become a criminal occupation of to-day, by reason of the progress of government to a higher standard of public morality and virtue.

"A State may even prohibit the sale of a dangerous commodity, though patented by the Federal Government.

"The power of eminent domain and the police power are two distinct things. Property cannot be taken for the public use without compensation, but the prohibition of the use of property for a specific purpose deemed injurious to society is not such a taking. The right of a State to abate a nuisance under its police power should not be burdened with a condition requiring compensation to be made. A State can declare breweries, distilleries, and saloons nuisances and abate them by proceedings in equity where the defendant cannot have a jury trial."

The National Prohibition party, which was organized in Chicago in September, 1869, has active representatives in every State and Territory of the Union. It publishes a large, well-edited almanac, "The Political Prohibitionist," many leaflets, tracts, and pamphlets. Of the various journals which support its platform, the most widely circulated is *The Voice*, of New York.

Opposed to the Prohibitionists stand the advocates of High

License. They do not take so revolutionary a view of the liquor question. Certain of them use alcoholic beverages and find themselves none the worse. They would discriminate between use and abuse, and between comparatively harmless beer and wine and decidedly baneful whiskey and gin. In this camp are numbered many who hold the Prohibitionist position to be the extreme one inevitable to reformers who narrow down their observation to any single evil or vice ; who maintain that the comparative conspicuousness of drunkenness has led to an exaggerated impression of its prevalence and of its enormity, whilst the benefit enjoyed by those who use liquor without excess is left out of view. Another group of the advocates for high license are teetotallers, some of whom regard their measure as a step in the direction of the ultimate suppression they desire. All, however, agree that for the present a restrictive policy is best, and that taxes very much higher than those now generally levied should be placed upon saloons, to the end not only that they may bear a more equitable share of the public burdens they create, but that incidentally their number may be reduced. They maintain that, granting it to be desirable that the community be freed from the trade in liquor, those who wish this absolute banishment are much too small a minority in the nation, or in most localities, to have their way. Therefore the political view must limit the ethical or reformatory, for the practical question is less what ought to be done than what can be done. Expressing themselves dissatisfied with the results of prohibitory legislation, they turn the Prohibitionist argument around, and say that to enact a law ahead of public sentiment is only to have law disregarded and brought into disrepute. They would distinguish between the moral reformers, whose mission is to set up an absolute standard of conduct and demand conformity to it, and the business of a Legislature, which is to enact such statutes as the public sentiment of the community will enforce ; for law is but the voice of the community's conscience, and the

moral power in a State or nation is not to be measured by the voice but by the conscience behind it. They adduce the widespread breach of laws against liquor-selling on Sundays as proof that already there is more liquor-legislation, of a thoroughly excellent kind, than is put into effect. As showing how few of the American people follow the flag of Prohibition, the Presidential election returns of November, 1888, are cited, exhibiting a Prohibition vote of but 249,506 in a grand total of 11,388,038 ballots. And this when so eminent a Prohibitionist as the late Mr. John B. Gough used to say that three-fourths of the nation must sanction the laws for which he strove if they were to be really effective. The smallness of the Prohibition vote for President as cited, falling as it did vastly below the aggregate State votes on local Prohibition issues, shows that many Prohibitionists, believing that their party candidate could not succeed, cast their ballots for Mr. Harrison or Mr. Cleveland.

It may now be fitting briefly to review some of the most important experiments in legislating on the liquor trade, and first those in prohibition :

Of the States Maine was the first to adopt prohibition, in 1851. During 1856 and 1857 license was tried, but with the exception of those years, prohibition—now constitutional—has been the law. Investigation shows that in the rural communities of the State, where public sentiment sustains prohibition, the measure is successful. It is otherwise in the large towns and seaports, such as Portland, Bangor, and Bath, where proximity to the Canadian border and to Boston renders enforcement difficult. Its advocates allege that the political party in power is afraid to enforce the law for fear of antagonizing the liquor interest in national contests. On the ground of such experiences is chiefly based the platform of the national prohibitory party, which aims to be free from compromising alliances with any other political organization. Governor Robie in 1885, Governor Bodwell in 1887, and Governor Marble in 1888, concur in testifying

that in three-fourths to four-fifths of the State prohibition is fact as well as law, and is effective in reducing crime and promoting prosperity.

Vermont's prohibitory law, now constitutional as well as statutory, dates from 1852. Its enforcement is less satisfactory than that of Maine, the Prohibitionists complaining not only of the insincerity and supineness of the politicians in power, but also of the lowness of fines and penalties imposed upon offenders.

In New Hampshire prohibition became law in 1855, affecting, however, the sale, not the manufacture of liquor. One of the largest breweries in the country is profitably operated at Portsmouth.

Of the New England States, Rhode Island was the fourth and last to adopt prohibition, making it constitutional in 1886. Three-fourths of the population is in the county containing the cities of Providence and Pawtucket, so that the law is subjected to an extreme strain. With very imperfect enforcement the following contrast in Providence is exhibited :

Arrests for offences growing out of liquor traffic in 1885, under license, 4194. Ditto in 1886, under prohibition, 2597.

Rhode Island's Legislature has recently voted for the resubmission of prohibition to the people.

While of late years the tide of prohibition sentiment has somewhat ebbed in the East, it has gathered strength in the West. Kansas adopted prohibition into its Constitution in 1880, the measure going into force the next year. An amendment increasing its stringency was enacted in 1887, and the statute granting municipal suffrage to women is claimed to have tended toward the efficient administration of the law. However, with estimates of population differing very widely, it is impossible to arrive at any fairly definite conclusion as to the effect of prohibition on crime in this State. The preponderance of testimony is that the measure is fairly well enforced and that it proves beneficial.

Iowa adopted statutory prohibition in 1884, strengthened by amendments in 1886. The law is not effective in restricting the sale of liquor by druggists. In the large towns having a German population the law has been strenuously resisted. At the close of 1887 information was gathered from sheriffs and other county officers throughout the State with regard to the working of the prohibitory law. Out of 99 counties 98 reports were received to the effect that in 74 counties the majority of the people favored prohibition. Of 85 reporting as to the success of the law, 71 could speak favorably, 14 otherwise. As to its effect on crime 74 reports came in, 60 to say that it had caused a decrease, 14 to say that no change was observable. Sixty county officers were heard from as to prohibition's effect on agricultural and commercial interests. Of these 26 stated that it had been good, 32 that it had had no perceptible influence one way or other, 2 that it had been bad.

Prohibition, more or less strict, is enforceable by local option in the counties of Alabama, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Virginia, West Virginia, and the Territories of Dakota and Washington. Prohibition can be obtained by favor of local authorities in Colorado and Oregon; in Delaware through the discretion of the court, or through so strong an anti-saloon sentiment in a locality as to prevent an applicant from finding the requisite number of persons to sign his petition. Prohibition is indirectly obtainable in Indiana, Maryland, and Nebraska, through provisions of the license law. At the close of 1888, twenty five of the States had laws on their statute-books requiring that instruction as to the nature of alcohol, and as to the alcohol habit, be imparted in the public schools. Tennessee has a law that no saloon shall exist within four miles of a school, and as any five persons can charter a school, prohibition may be introduced in the most sparsely settled districts

of the State. The Legislatures of New Jersey, Minnesota, and Wisconsin have recently voted for repeal of local option.

Massachusetts, under a local option law, has had some remarkable experiences. In Cambridge prohibition has been tried since May, 1887; the arrests for all causes were 1699 in 1886, 1469 in 1888; for assault, 250 in 1886, 163 in 1888; for drunkenness, 723 in 1886, 805 in 1887, and 653 in 1888. Prohibition is enforced fearlessly, and on being submitted a second time to the people its results have won an increased indorsement at the polls. Tramps lodging in the police stations have fallen off one-third in number, and there is an evident improvement in the condition of the poor since the adoption of a no-license policy. Whereas in November, 1886, there were 74 arrests for causes other than drunkenness; in November, 1888, after 18 months' prohibition, there were but 36 such arrests. Cambridge adjoins Boston, and during the periods above mentioned, the latter city granted one license to every 263 population. How many citizens of Cambridge resorted to Boston to buy liquor is an element in the case not to be ascertained or even conjectured. On April 22 last prohibition was submitted to the people of Massachusetts at the polls and defeated by 44,000 votes, only 64 per cent. as many votes being polled as on the ballot for President, November, 1888. On May 1 a high-license law came into force which, as an alternative to prohibition under local option, provides that in all towns and cities voting to grant licenses, the proportion shall be one for each thousand as ascertained by the last preceding national or state census, except in the city of Boston, where one license may be granted for each five hundred of population. In towns having an increase of resident population during the summer months, the selectmen may, during the month of June, cause a census to be taken, and may grant one license to each five hundred of population, to take effect on the fifteenth day of June and expire on the fifteenth day of September following; provided always that the town at its last annual town

meeting has voted for license. The minimum fees established for the State are : For a license of the first class, \$1000 ; second or third class, \$250 ; fourth class, \$300 ; fifth class, \$150 ; sixth class, \$1.

The scale of licenses which went into effect in Boston on May 1, for the year beginning with that date, is as follows :

For licenses to sell all kinds of intoxicating liquors, to be drunk on the premises :

1st class, A, Innholders.....	\$1,500.00
B, Innholders.....	1,200.00
Common victuallers....	1,000.00

To sell malt liquors, cider, and light wines, containing not more than 15 per cent. of alcohol, to be drunk on the premises :

2d and 3d class, Common victuallers.....	\$500.00
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To sell all kinds of liquors, not to be drunk on the premises :

4th class, Grocers.....	\$300.00
A, Wholesale dealers (only to be issued in conjunction with a first-class victualler license).....	300.00
B, Wholesale dealers.....	1,000.00
Distillers	1,000.00
5th class, Bottlers	500.00
Brewers	1,000.00
6th class, Special druggists' licenses	1.00
Special club licenses	50.00

Licenses cannot be transferred during the year from one person to another.

During the preceding year the licenses averaged but 46 per cent. as much. Innholders, class A, paid \$800 ; class B, \$500 ; and common victuallers, \$350. The highest fee in the remainder of the list was that charged wholesale dealers selling over \$20,000 worth per annum, \$450.

Prior to the defeat of the proposed prohibition amendment to the Constitution in Massachusetts in April the question had been very earnestly and fully discussed by the people for two

years, and two successive Legislatures had endorsed the measure. Cambridge, which voted for No License in December, 1888, by a majority of 600, voted against the amendment by a majority of 2600. Newton, which carried No License in December, 1888, by 1210 votes, gave a majority of 50 against the amendment. All the counties but four voted against it, and all the cities except Somerville. The plea which had most effect in the campaign was that it is wrong for the prohibitory sections of a State to attempt to force their law upon non-prohibitory sections ; that even if a clear majority of every section or district desired prohibition, it should be enacted in the form of statute, subject to prompt repeal in case public sentiment so demands ; not as a constitutional amendment, which might outlast public sentiment in its favor ; that, farthermore, the Constitution is an instrument for the expression of fundamental law, of which liquor legislation is no part. The Prohibitionists charge their defeat to the apathy or treachery of political allies upon whom they had counted, and also to the heading off the main issue by a high-license law.

High license has become law in many States of the Union within the past ten years. In Illinois the fee for a liquor or beer license is \$500. In Chicago the measure has increased the revenue from \$195,490 in 1882, under low license, to \$1,972,021 in 1887, under high license. In the same time the saloons have increased in number from 3759 to 3944. In the interval arrests for drunkenness and disorder have increased 53 per cent., and the total number of arrests increased 41 per cent. Estimates as to the growth of population between 1882 and 1887 vary from 35 to 40 per cent.

In Minnesota a license costs \$1000 in cities having a population of 10,000 or more ; \$500 in other cities. Minneapolis in 1883 had an estimated population of 90,000, and with a license fee of \$100 there was one saloon to every 167 inhabitants. In 1885, with an ascertained population of 120,000, the license fee raised to \$500, and a restriction of saloons to the

business centre, they were reduced to 298, one for every 432 inhabitants. In 1888, with an estimated population of 180,000 and a fee of \$1000, the saloons fell in number to 230, one for every 782 inhabitants. The arraignments for drunkenness, excluding cases of disorderly conduct, were 1752 in 1885, 1891 in 1886, and 2619 in 1887.

Nebraska taxes saloons in cities \$1000 ; saloons elsewhere \$500 ; bonds are required to insure that no liquor shall be sold to drunkards or minors ; the law forbids any concealment of a bar, by screens or otherwise, and forbids treating. In the cities, Omaha especially, the latter provisions of law are not enforced. On what are probably fairly correct estimates of population, the penitentiary commitments in 1887 were 28 per cent. more in Nebraska than in prohibiting Iowa. In Omaha, while saloons under high license have diminished proportionately to population one-half, the license money, which goes to the common-school fund, has increased fivefold. The arrests, however, for drunkenness in 1888 were 2450, a higher ratio than those of either Chicago or New York. Nebraska has tried high license longer than any other State, its law dating from 1881. When the measure was introduced in the Legislature the liquor interest opposed it bitterly, expecting injury from it. Experience, however, has proved this fear to have been groundless. In view of the agitation for prohibition in 1887, two circulars were issued in January of that year by Peter E. Iler, president, Willow Springs Distilling Co., and Metz & Brother, brewers, of Omaha, both being addressed to their customers and friends. These circulars state that high license has not lessened the consumption of liquor in the State, has placed the trade in fewer and more responsible hands, that the measure is preferable to low license, and is an effective bar to prohibition. An active agitation for constitutional prohibition is now in progress in Nebraska.

Missouri's law, affecting State and county licenses only, fixes the minimum fee at \$500 and the maximum at \$1200, the

county courts having discretion within these limits—a discretion which in many cases gives them power practically to prohibit. Incorporated cities and towns can fix their additional tax at from \$100 to \$500. Railroads and steamboats are denied the right to sell liquor under any conditions. In St. Louis, where a license is now seven times more costly than formerly, the arrests for drunkenness were 4112 in 1887 as compared with 3500 in 1882, and arrests for offences of every kind, 15,217 as compared with 14,000. The population is estimated to have increased at least 20 per cent. in the mean time.

In Michigan the tax for a retail liquor license is \$300 ; \$500 on a wholesale or retail liquor license, and \$200 on the business of selling malt liquors at wholesale or retail. The existing number of saloons is estimated at less than one-half as many as those which would exist were low license in force.

In New Jersey a license to sell either beer or liquor, or both, costs \$250 in cities of over 10,000 population ; \$150 in cities between 3000 and 10,000 in population ; \$100 elsewhere.

Pennsylvania charges \$500 for licenses in the larger cities, \$300 in the smaller cities, \$150 in boroughs, \$75 in towns. It restricts applicants to native or naturalized citizens, denies a license to any man who has been convicted of crime ; it requires an applicant to be of known sobriety and good character ; he is to be the sole and *bona fide* proprietor of the saloon for which he asks a license, and it must be shown that such saloon is necessary for the convenience of the neighborhood, and that he has no interest in any other saloon. He must give as bondsmen two reputable freeholders residing in his ward, borough, or township, each owning at least \$2000 in unencumbered real estate and qualifying to that amount. No manufacturer of liquors can be such bondsman, nor can any bondsman be accepted for more than one saloon-keeper. These restrictions, rigorously enforced, have broken up the practice whereby a brewer or distiller could virtually own and operate a score or

more saloons. The Brooks law, as it is called, took effect on June 1, 1888; the following figures show the results in Philadelphia:

Commitments to County Prison in corresponding months of 1887 and 1888:

	1887.	1888.	<i>Decrease in 1888.</i>
June	2,737	1,563	1,174
July.....	2,728	1,645	1,083
August.....	2,736	1,817	919
September.....	2,755	1,904	851
October.....	2,598	1,526	1,072
Total.....	13,554	8,455	5,099

Commitments to House of Correction in corresponding months of 1887 and 1888:

	1887.	1888.	<i>Decrease in 1888.</i>
June	490	320	170
July.....	502	281	221
August.....	500	405	95
September.....	540	380	160
October.....	631	437	194
Total.....	2,663	1,823	840

The law prohibits under severe penalties the opening of saloons on Sunday.

The number of Sunday commitments to the Philadelphia County Prison, as officially reported on the following Monday mornings, were:

June 1, 1887, to Nov. 1, 1887.....	679
June 1, 1888, to Nov. 1, 1888.....	194
Decrease under the restraining act.....	485

The commitments of women were:

June 1, 1887, to Nov. 1, 1887.....	74
June 1, 1888, to Nov. 1, 1888.....	21
Decrease.....	53

Comparing the total number of arrests in 1888, the first year of high license, with those in 1887, shows, in Pittsburg, an increase of 21 per cent., in Allegheny, of 13 per cent., and Scranton, of 10 per cent. In arrests for drunkenness the percentages of increase were respectively 10, 12, and 5. The brewers and dis-

tillers of Pennsylvania maintain that they find little or no falling off in the demand for their products as a result of high license. On June 18 the people of the State are to decide at the polls for or against a prohibitory amendment to the Constitution.

In December, 1887, Atlanta, Georgia, exchanged prohibition (never well enforced) for high license, placing the fee at \$1000. The arrests for drunkenness during the four months ending March 31, 1888, were 818 as against 273 for the corresponding period ending March 31, 1887.

In New York City a trial of comparatively high license was made between 1866 and 1870. Instead of nominal fees, a license for liquor was placed at the minimum of \$250, and that for beer at the minimum of \$100. The effect of the law in its first year of operation was to reduce the number of saloons 25 per cent. and increase revenue from \$9690 in 1865 to \$993,347 in 1866. It was made clear that in consideration of freedom from civic taxes, the liquor dealers were required to contribute liberally to the corrupt political forces controlling municipal affairs. Until high license was repealed in 1870, by William M. Tweed and his abettors, the ratio of arrests for drunkenness was much smaller than before high license was enacted; every year through enforcing observance of Sunday closing, some 8000 fewer arrests were made of intoxicated persons on that day.

At present, May, 1889, the license fees in New York City are as follows: For a first-class hotel, \$250; for a second-class hotel, \$200. To sell liquors, wines, ales, and beer, to be drank on the premises, \$200; if for ale and beer only, \$30; ale, beer, and wines, \$50. Storekeepers' licenses vary from \$50 to \$250, as their sales may vary from \$2500 to \$10,000 per annum. Among the rules of the Board of Excise, with whom rests the licensing authority, are the following:

No increase in the number of places now licensed is permitted; a license is not issued for a new place except upon the closing of an existing place. A license is not issued for a new place

adjoining a place already licensed, or in the immediate vicinity of a church, school-house, hospital, or asylum. Where at the intersection of streets two corners are already licensed, a license will not be granted for a third corner.

A bill now (May, 1889) before the Legislature of New York, prepared by the Joint Committee on High License, of which committee Hon. Dorman B. Eaton is chairman, and Mr. John B. Pine is secretary, proposes the following changes: To increase the minimum rate for a liquor license, in cities, from \$30 to \$300; in towns, from \$30 to \$100. And to increase the minimum rate for a beer license, in cities, from \$30 to \$60; and in towns, from \$30 to \$40. The bill prohibits the granting of saloon licenses in excess of the number now in force until such number shall be reduced to the proportion of one saloon to every 500 population. It increases the amount of the bond required of a licensee from \$250 to \$1000, and provides that his sureties shall each qualify in \$2000 instead of \$500. It does not prevent Boards of Excise where "no-license" Commissioners are elected from refusing to grant licenses, permitting a continuance of the rights of "local option" now enjoyed. The bill is declared by the Joint Committee on High License to be no more than a tentative and preliminary measure, which they hope to follow up with a thoroughly satisfactory High-License Law.

The Voice, of New York, last January asked the Mayors and Chiefs of Police of every city in the Union of over 10,000 inhabitants for statistics of arrests. Classing license fees of \$200 and less as low, and fees of \$500 and more as high, all the responses received were summarized in its issue of January 24, 1889:

A COMPARISON OF THE PROPORTION OF ARRESTS FOR DRUNKENNESS AND DISORDERLY CONDUCT IN HIGH-LICENSE AND IN LOW-LICENSE CITIES.

The following table compares 14 high-license with 15 low-license cities. In the high-license cities the license fee ranges between \$500 and \$1000; in the low-license cities between \$25 and \$200. The figures are for 1887. The table shows: First, That 14 high-license cities whose license fee averages \$710 have a saloon to every 267 persons, and an arrest for

drunkenness and disorderly conduct to every 38 persons, which arrests are 57.2 per cent. of the total arrests. Second, That 15 low-license cities whose license fee averages \$116 have a saloon to every 170 persons, and an arrest for drunkenness and disorderly conduct to every 37 persons, which arrests are 55.6 per cent. of the total arrests. Estimates of population, except as otherwise stated, are from the report of Dun's Mercantile Agency for 1888.

CITY.	Population.	License Fee of Ordinary Saloon.	No. Saloons.	No. Population to One Saloon.	Total No. Arrests.	Arrests for Drunkenness and Disorderly Conduct.	Population to one Arrest for Drunkenness and Disorderly Conduct.	Per cent. of Arrests for Drunkenness & Disorderly Conduct to Total Arrests.
Omaha.....	‡100,000	\$1,000	246	406	6,125	2,154	46	35
Galesburg.....	13,500	1,000	17	795	733	643	21	88
* Minneapolis..	‡175,000	1,000	240	729	5,876	3,404	51	58
Joliet.....	20,000	1,000	49	408	1,150	705	28	61
Rockford.....	22,000	1,000	25	440	401	305	72	76
Kansas City...	‡175,000	800	483	362	7,920	3,866	45	49
Bloomington...	22,000	600	53	415	877	457	48	52
St. Louis.....	500,000	559	†1,750	285	17,938	10,441	48	58
Detroit.....	‡180,000	500	1,100	163	9,400	6,160	29	65
Quincy.....	34,500	500	110	313	808	449	76	55
Peoria.....	33,000	500	140	235	1,983	794	41	40
Muskegon.....	25,000	500	75	333	413	413	60	100
Saginaw City..	20,000	500	69	289	554	237	84	43
Chicago.....	900,000	500	3,944	228	46,505	27,632	33	59
New York.....	‡1,500,000	200	8,016	187	81,176	45,241	33	55
Cleveland.....	200,000	200	1,500	133	8,588	4,957	40	57
Milwaukee.....	‡190,000	200	1,098	173	4,401	3,135	61	71
Cincinnati.....	300,000	200	2,300	130	11,925	5,959	50	49
Columbus.....	80,000	200	425	188	4,831	2,369	33	49
Poughkeepsie..	20,207	125	123	164	489	219	92	44
Wilmington....	‡58,000	100	160	362	2,263	1,397	42	61
Brooklyn.....	‡757,755	100	3,356	226	28,567	14,030	54	49
Binghamton...	22,361	90	86	260	1,112	735	30	66
San Francisco..	‡305,000	84	2,857	107	20,385	9,368	32	46
Paterson.....	51,031	75	650	78	2,718	1,699	30	62
Jersey City....	‡165,000	50	1,105	149	6,168	1,993	83	32
Yonkers.....	20,000	50	92	217	1,268	924	21	73
Baltimore.....	480,000	50	2,500	192	27,200	19,815	24	73
Cohoes.....	21,420	25	204	105	667	408	52	61
Summary.		Average License.						
14 High-license Cities.....	2,220,000	\$701	8,301		100,683	57,660	38	57.2
15 Low-license Cities.....	4,170,774	116	24,472	267	201,758	112,259	37	55.6

* Partial prohibition, saloons being confined to a particular district.

† Estimated from half-yearly report.

‡ Estimates furnished the *World Almanac* by the Mayors.

A review of the liquor trade as the subject of legislation, the salient features of which have been given in the foregoing pages, points to the following conclusions :

Waiving consideration of wrong to the individual and to the State which it may be claimed indirectly results from prohibition's interference with personal liberty, the crime attributable to the sale of liquor is certainly much curtailed when prohibition is enacted and enforced, despite the obstacles of law and interest which may oppose it, provided always that the community deciding for prohibition does so by a large majority—of at least say seventy-five per cent.—it would be well to require such a majority for the passage of a suppressive law. To insure observance of the law it is best that the community enacting it be the smallest political unit in a State ; for if it be larger and of various conviction regarding prohibition, then the law succeeds in one locality and fails in another. It is vain to extend the law beyond the limits of territory where public sentiment demands it and will sustain it. Enforcement in a particular locality is always, however, increased in difficulty when adjoining places are not under prohibition. Hence the Prohibitionists' objection to local option, that "it is too local, and too optional," an objection which has some savor of an impatient wish to make people good against their will. Local option is just in its operation because it provides difference of law for difference of circumstance. An agricultural village or small town is not in the same case as a seaport or large city. But when similarly circumstanced and adjoining towns vary in sentiment, one enacting prohibition, and the other license, there is an unavoidable offence to the feeling that laws should be uniform. For liquor-selling to be innocent in one place, and criminal in another place, across a highway, strikes people as unjust. Liquor legislation will be less unsatisfactory when a Prohibitionist majority in a State does not overrule a license majority in municipalities within its borders. It is clear that prohibitory State legislation has not seldom

been insincerely enacted as a party measure in politics to secure the adhesion of a body of reformers so energetic in their exercise of influence as to hold the balance of power in a State. Nothing else can explain the discrepancy between law and enforcement in many portions of the territory under prohibition. At the Prohibition National Convention, held in Indianapolis, May, 1888, the principle of woman suffrage was adopted in the platform of the party. It would seem to be expected that women if enfranchised will vote for the suppression of the liquor traffic. But as enforcement in that event will rest with a sex who may not be favorable to suppression, the future even more than the past may display execution falling short of enactment.

While no form of legislation on the liquor question has proved as satisfactory as its advocates desire, the balance of advantage seems to rest with local option, which to prohibition couples the alternative of high license instead of low. Large cities, always non-prohibitory, find high vastly preferable to low license. Experience of high license makes it plain that until within very recent years an important source of public revenue has yielded vastly less than it might. So large are the levies receivable from saloons that in many places they perceptibly relieve other forms of taxation, which relief the Prohibitionists declare acts as a bribe to block the progress of a suppressive policy. High license works in the same direction with the forces which impel business to be more and more economically transacted year by year by abolishing unnecessary duplicate establishments; bringing trade into fewer, stronger, and more responsible hands. Under high license, saloons usually give employment to one-half as many persons as under low license, and are conducted with a little more than one-half as much total expense. The question now arises, At what figure should licenses be placed so as to yield the maximum of revenue? Prior to 1889 it seems to have been agreed that a fee of not less than \$500 was necessary to re-

strict, and that a fee higher than \$1000 would tempt to illicit trading. This year Boston has increased its license fees to a maximum limit of \$1500 ; a tendency in the same direction is manifest in other large cities. It seems fair that the fee should be proportioned to the extent of business, and this is pretty accurately gauged by rent, so that rent would doubtless serve as a basis for proportioning license fees. In villages and small towns there is comparatively small variation in the rentals of saloons and liquor-stores. In cities, however, it is otherwise ; many which are leased at \$1000 yield but moderate profit, while others paying \$10,000, \$20,000, or even more, are extremely lucrative. To charge these latter concerns no more than \$1000 is to let them off for much less proportionately than smaller places, whilst their proprietors are generally men of responsibility who would not if they could evade payment of an equitable fee, which might be twice to five times \$1000. Politically, high license has the advantage of reducing the number of men engaged in saloon-keeping, and so reducing the direct saloon vote. If there are not saloons enough to give meeting-places for primaries and other political gatherings, these could be conducted soberly and outside the liquor influence, instead of, as under low license, being managed almost exclusively by saloon-keepers and bar-tenders. Among the evils which follow from high license, the Prohibitionists assert, is increased political activity on the part of saloon-keepers. It is said that in Nebraska, where high license has been enacted longer than elsewhere, the liquor-men maintain that as they pay a large share of the expenses of government, they have a right to a large participation in it.

With regard to diminishing the consumption of liquor, the expectations generally entertained as to high license have not as yet been fulfilled. The opposition to the measure, in so far as it comes from saloon-keepers, chiefly proceeds from the weaker of them, who fear to be forced out of business ; high license

encounters no resistance from the capitalists engaged in brewing and distilling; their sales remain little disturbed by increase of fees for retailing, such slight falling off as may be suffered being offset by the advantage of having a more compact and responsible circle of customers. While high license usually cuts down the number of saloons one-half, it still leaves quite as many as the users of liquor require. That a city block contains two saloons instead of four presents no appreciable check to a patron who wishes a glass of beer or whiskey. In so far as the increased profitableness of saloons reduced in number enables their proprietors to make them more attractive, the element of temptation to patronage is as strong under high as under low license. High license, however, by tending to increase the responsibility of liquor-sellers gives new guarantees for the observance of law. The risk of forfeiture for law-breaking is not so likely to be run under high as under low license.

Restrictive measures, such as those in force in Pennsylvania and New York City, are beneficial—measures which require a better standard of character for licensees, or which absolutely limit licenses to a definite number. In a growing community simply by refusing additional licenses saloons may be brought down to the least practicable ratio, while at the same time the largest obtainable revenue from them diminishes other taxation. Much is done to abate the evils of the liquor trade by the provision and enforcement of Civil Damages Acts. When a liquor-seller is liable for damages through the sale of liquor to minors and drunkards, or at times and places forbidden by statute, he has a new reason to make him respect the law.

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ECONOMIC TRACTS.

- 1 ATKINSON (E.). What is a Bank? 10 cents. (Out of print.)
- 2 POLITICAL ECONOMY AND POLITICAL SCIENCE. A priced and classified bibliography by Sumner, Wells, Foster, Dugdale, and Putnam. 25 cents.
(This tract, carefully revised and extended, will be published October, 1889.)
- 3 PRESENT POLITICAL AND ECONOMIC ISSUES, with suggestions of subjects for debate and for essays. 10 cents. (Out of print.)
(This tract will also be carefully revised and extended for reissue October, 1889.)
- 4 THE USURY QUESTION, by Calvin, Bentham, Dana, and Wells, with bibliography. 25 cents.
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Nos. 27 and 28, as above stated, will be revised and extended reissues of Nos. 2 and 3.

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